

REFERENCE TITLE: overtime compensation; law enforcement

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

## **HB 2234**

Introduced by  
Representative Konopnicki: Senators Flake, Huppenthal

AN ACT

AMENDING SECTION 23-392, ARIZONA REVISED STATUTES; RELATING TO WAGES AND HOURS OF PUBLIC EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 23-392, Arizona Revised Statutes, is amended to  
3 read:

4           23-392. Overtime compensation for certain law enforcement or  
5           probation officer activities; option; definitions

6       A. Any person engaged in law enforcement activities shall be  
7 compensated for each hour worked in excess of forty hours in one work week at  
8 the option of such employer at the following rates:

9           1. One and one-half times the regular rate at which such person is  
10 employed or one and one-half hours of compensatory time off for each hour  
11 worked if by the person's job classification overtime compensation is  
12 mandated by federal law.

13           2. If by the person's job classification federal law does not mandate  
14 overtime compensation, the person shall receive the regular rate of pay or  
15 compensatory leave on an hour for hour basis.

16       B. Any person engaged in probation officer activities shall be  
17 compensated for each hour worked in excess of eighty hours in a two week work  
18 period at the option of such employer at the following rates:

19           1. One and one-half times the regular rate at which such person is  
20 employed or one and one-half hours of compensatory time off for each hour  
21 worked if by the person's job classification overtime compensation is  
22 mandated by federal law.

23           2. If by the person's job classification federal law does not mandate  
24 overtime compensation, the person shall receive the regular rate of pay or  
25 compensatory leave on an hour for hour basis.

26       C. Paid leave may be considered hours worked for the purpose of  
27 calculating overtime.

28       D. The director of the department of public safety may establish  
29 alternate work periods, in accordance with federal law, for the purpose of  
30 determining overtime compensation for those employees of the air rescue  
31 section of the department of public safety.

32       E. NOTWITHSTANDING SUBSECTION A OF THIS SECTION OR ANY OTHER STATUTE  
33 OF THIS STATE, THE COUNTY SHERIFF OR THE GOVERNING BODY OF A CITY OR TOWN MAY  
34 ESTABLISH ALTERNATE WORK PERIODS, IN ACCORDANCE WITH FEDERAL LAW, FOR THE  
35 PURPOSE OF DETERMINING OVERTIME COMPENSATION FOR A PERSON ENGAGED IN LAW  
36 ENFORCEMENT ACTIVITIES.

37       F. Notwithstanding subsection C of this section, an alternate work  
38 period established by the director of the department of public safety for the  
39 purpose of determining overtime compensation shall not exceed twenty-eight  
40 days or one hundred sixty hours.

41       F. G. For the purposes of this section:

42           1. "Person engaged in law enforcement activities":

43           (a) Means:

44           (i) A law enforcement officer as defined by section 38-1001.

45           (ii) A peace officer as defined by section 41-1701.

1           (iii) Any security personnel responsible for controlling or  
2 maintaining custody of inmates in correctional institutions maintained by  
3 this state or a county, city or town.

4           (b) Does not include any such person employed in a bona fide executive  
5 or administrative capacity as defined by the employer.

6           2. "Probation officer" includes a probation officer or surveillance  
7 officer who is employed by this state or a political subdivision of this  
8 state.